

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 652

H. P. 499

House of Representatives, January 27, 1965

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Richardson of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Providing for the Model Joint Obligations Act.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 14, c. 1, sub-c. II, additional. Chapter 1 of Title 14 of the Revised Statutes is amended by adding a new subchapter II to read as follows:

'SUBCHAPTER II

MODEL JOINT OBLIGATIONS ACT

Sec. 11. Definitions. In this subchapter, unless otherwise expressly stated, obligation does not include a liability in tort; obligor does not include a person liable for a tort; obligee does not include a person having a right based on a tort. Several obligors means obligors severally bound for the same performance.

Sec. 12. Discharge of co-obligor by judgment. A judgment against one or more of several obligors, or against one or more of joint, or of joint and several obligors shall not discharge a co-obligor who was not a party to the proceeding wherein the judgment was rendered.

Sec. 13. Payments credited to co-obligors. The amount or value of any consideration received by the obligee from one or more of several obligors, or from one or more of joint, or of joint and several obligors, in whole or in partial satisfaction of their obligations, shall be credited to the extent of the amount received on the obligations of all co-obligors to whom the obligor or obligors giving the consideration did not stand in the relation of a surety.

Sec. 14. Release with reservation of rights. Subject to section 13, the obligee's release or discharge of one or more of several obligors, or of one or more of joint, or of joint and several obligors shall not discharge co-obligors,

against whom the obligee in writing and as part of the same transaction as the release or discharge, expressly reserves his rights; and in the absence of such a reservation of rights shall discharge co-obligors only to the extent provided in section 15.

Sec. 15. Release without reservation of rights. If an obligee releasing or discharging an obligor without express reservation of rights against a co-obligor, then knows or has reason to know that the obligor released or discharged did not pay so much of the claim as he was bound by his contract or relation with that co-obligor to pay, the obligee's claim against that co-obligor shall be satisfied to the amount which the obligee knew or had reason to know that the released or discharged obligor was bound to such co-obligor to pay.

If an obligee so releasing or discharging, an obligor has not then such knowledge or reason to know, the obligee's claim against the co-obligor shall be satisfied to the extent of the lesser of 2 amounts, namely; the amount of the fractional share of the obligor released or discharged, or the amount that such obligor was bound by his contract or relation with the co-obligor to pay.

Sec. 16. Death of joint obligor. On the death of a joint obligor in contract, his executor or administrator shall be bound as such, jointly and severally with the surviving obligor or obligors.

Sec. 17. Uniformity of interpretation; title. This subchapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and may be cited as the Model Joint Obligations Act.'

Sec. 2. Effective date. This Act shall take effect January 1, 1966, and shall not apply to obligations arising prior to that date.

Sec. 3. R. S., T. 14, § 6, repealed. Section 6 of Title 14 of the Revised Statutes is repealed as follows:

~~'Sec. 6. Property of deceased debtor on joint contract liable. The goods and estate of a deceased debtor in a joint contract, express or implied, or in a judgment on contract are liable in the same manner and the creditor has the same remedy as in case of a joint and several contract.'~~